(3)

(1)

CF 15/-

IN THE HIGH COURT OF CHHATTISGARH JUDICATURE : BILASPUR

MISC. APPEAL NO. 978 /2003

Division Bench

APPELLANT INSURER : National Insurance Company Ltd.
Through : Its Branch Manager,
Bilaspur (Chhattisgarh)

- VERSUS -

RESPONDENT DRIVER

1). Mukundram Yadav
S/oChhitruram Yadav, Driver
Aged about 27 years,
R/o Village Karpavad,
P.S.Nagarnar,Tehsil: Jagdalpur,
Dist. Bastar.

RESPONDENT OWNER

2). Bhagwan Singh Thakur,
S/o Narottam Singh Thakur,
R/o Village Pahurbel,
Tehsil : Jagdalpur, Dist. Bastar
Chhattisgarh.

RESPONDENTS CLAIMANTS

3). Smt. Anusuiya
W/o Late Shri Roopnath
Aged about 36 years

4). Ku. Urmila,
D/o Late Shri Roopnath,
Aged about 5 years, Minor
Through : Mother Guardian
Smt. Anusuiya

5). Sudru, S/o Soniya,
Aged about 61 years

6). Laxmi, W/o Sudru,
Aged about 56 years.

All R/o Village Semraguda,
P.S. Karpavad, Tehsil : Jagdalpur,
Distt. Bastar (Chhattisgarh)

P. R No. 2082/03
Presented by Shri Prashant Singh
dated 12/09/03

MEMO OF APPEAL UNDR SECTION 173 OF THE MOTOR VEHICLE ACT.

XI-HC-22

(42)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

Retyped

आदेश पत्रक

मामला क्रमांक M.A.No.975 and 978/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DB: Hon'ble Shri A.S.V. Moorthy, C.J.
and Hon'ble Shri L.C. Bhadoo, J.

1-9-2004

Heard Shri Sanjay K. Agrawal, counsel for the appellants.

This order shall govern the disposal of M.A. Nos. 975/2003 and 978/2003.

On 5-5-2001 one Rupnath Devangan was going to Jagdlapur in the motorcycle, when the tractor bearing registration No. C.P.T./2461 which came from the opposite direction dashed against the said motorcycle. Rupnath Devangan was thrown out and he died. The first wife of deceased Devangan filed a claim case claiming compensation. The second wife, father and mother of the deceased filed a separate claim. Both these cases were disposed of by a common order. The Tribunal fixed the compensation of Rs.1,51,000/-. Questioning the correctness of this order, the Insurance Company has filed M.A. Nos.975/2003 and 978/2003.

Learned counsel for the appellant submitted that at the relevant time the tractor was not insured with the Insurance Company. However, we find that no materials have been placed before this Court in this regard.

As far as the quantum is concerned, though it is claimed that the same is on higher side, learned counsel has not demonstrated

[पीछे देखिये

(43)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक M.A.No.975 and 978/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	how it is so. In fact, we are of the view that the compensation that has been fixed by the Tribunal is somewhat on the lower side. In the result, we do not find any substance in these appeals, and the same are dismissed. Consequently, M.(C.)P. No.1644/2003, I.A. Nos.9717/2003, 9718/2003, 9721/2003 & 9722/2003 stand disposed of. **Sd/-** **Chief Justice** **Sd/-** **L.C.BHADOO** **Judge**	
Barve/Soma		

[पीछे देखिये